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Crl.A.No.638 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.07.2022

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.A.No.638 of 2022

Kalaimani @ Kavimani

... Appellant

Versus

State rep. by.,

1. The Deputy Superintendent of Police,
Rasipuram Sub- Division,
Salem District.

2. The Inspector of Police,
Ayilpatti Police Station,
Namakkal District.
(Crime No.70 of 2022)

3. Thangarasu

... Respondents

Prayer: Criminal Appeal is filed under Section 14-A of SC & ST (PoA) Amendment Act, 2015 r/w 374 (3) of Cr.P.C., pleaded to set aside the order passed in C.M.P.No.201 of 2022 in Crime No.70 of 2022 dated 24.06.2022, on the file of the Sessions Judge, Special Court for SC/ST (PoA) Act, Namakkal and enlarge the appellant on bail, pending Crime No.70 of 2022 on the file of the second respondent police.

For Petitioner : Mr.W.Camyles Gandhi

For Respondents : Mr.S.Vinoth Kumar
Government Advocate (Crl. Side)



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JUDGMENT

This Appeal arising out of the order passed by the learned Sessions Judge, Special Court for SC/ST (PoA) Act, Namakkal, in and by which, the prayer for grant of bail to the appellant/A3 is rejected by the learned trial Court.

2. Today when the matter came up for hearing, it is seen that the de-facto complainant is served, none appears on behalf of the de-facto complainant.

3. The appellant is arrayed as accused 3 in the case. The allegation of the prosecution is that the appellant along with other accused had scolded him using caste name and attacked the defacto complainant with stones. Therefore, the defacto complainant was admitted into hospital.

4. Considering the nature of allegations mentioned in the First Information Report that the accused hit with stones on the legs of the victim and caused fracture and considering the facts that the victim discharged from the hospital, I am of the view that this is a fit case for



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enlarging the accused on bail. Therefore, the appellant shall be enlarged on bail on the following conditions:

(a) the appellant is ordered to be released on bail, on executing a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) with two sureties each for a like sum to the satisfaction of the learned Sessions Judge, Special Court for SC/ST (PoA) Act, Namakkal;

(b) the appellant and the sureties shall affix their photographs and left thumb impressions in the surety bonds and the learned Magistrate may obtain a copy of their Aadhar Cards or Bank Pass books to ensure their identities;

(c) the appellant shall appear before the respondent police daily at 10.30 A.M., untill further orders.

4. This Criminal Appeal is ordered accordingly.

12.07.2022

Index : yes/no
Speaking order/Non-speaking order
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D.BHARATHA CHAKRAVARTHY. J.,

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To

1. The Sessions Judge, Special Court for SC/ST (PoA) Act,
Namakkal.
2. The Public Prosecutor,
High Court of Madras.
3. The Deputy Superintendent of Police,
Rasipuram Sub- Division,
Salem District.
4. The Superintendent of Police,
Central Prison, Salem.
5. The Inspector of Police,
Ayilpatti Police Station,
Namakkal District.

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